IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 8803 of 2004

Date of Decision : 31.10.2006

Smt. Balwinder Kaur ... Petitioner

Versus

Punjab State Electricity Board and another .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. Sunil Chadha, Advocate,
for the petitioner.

Mr. G.S. Lalli, Advocate,
for the respondents

S.D. Anand, J.

1. The petitioner is widow of Swaran Singh who, after a stint as a daily wager from 1.12.1983 to 24.9.1987, functioned as work charge T-Mat in the employment of the respondents for the period from 25.9.1987 to 31.7.1997. On his being declared 100 per cent medically unfit to function by the Civil Surgeon, Ludhiana, Swaran Singh aforementioned submitted his resignation on 12.3.1998. In the resignation letter, there was a rider that it (resignation) may be accepted only in case employment was provided to his wife i.e. the petitioner before this Court. In terms of Rule 25 of the Standing Orders, the resignation of Swaran Singh was accepted on 22.6.1998. He ultimately died on 25.10.1998. Inspite of the lot of correspondence exchanged between the petitioner and the respondents, the former was not given any employment. At that time, petitioner had a son, aged 8 years. Finding the respondents unresponsive to her request for appointment, the petitioner served a demand notice dated 6.11.2003 (Annexure P/1). In

response thereto, the respondents intimated the petitioner (vide Memo No. 6713 dated 28.11.2003) that her case for employment on priority has been rejected at the board meeting. The petitioner has grievance that the impugned rejection (Vide Annexure P/3 dated 16.12.1999) does not disclose any reasons therefor.

2. The plea averred on behalf of the respondents in the course of written statement is that the request made by the petitioner was rejected at the board meeting as there is no provision in rules/instructions to provide job on compassionate ground to any dependent of work charged employee, retired on medical grounds from Board's service.

3. We have heard Mr. Sunil Chadha, learned counsel for the petitioner and Mr. G.S. Lalli, learned counsel for the respondents.

4. The request made by the petitioner for appointment on compassionate basis was rejected by the respondents vide his Annexure P/3 dated 16.12.1999. The validity of that order was not challenged by the petitioner till the year 2004 when the present Civil Writ Petition was filed. The petitioner is, thus, evidently guilty of inordinate delay and laches in approaching this Court.

5. Furthermore, it may be noticed that the categorical averment made on behalf of the respondents that there is no provision in rules/instructions to provide job on compassionate ground to any dependent of work charged employee, retired on medical grounds from Board's service, could not be rebutted on behalf of the petitioner. It is obviously Rules of Business adopted by an organisation which would rule the roost in such like matters. Our attention could not be invited to any provision in the Standing Orders which would authorise the request made by the petitioner.

6. It would also be pertinent to notice that the present is not a case where the deceased died in harness. On the own showing of the petitioner (and uncontroverted on behalf of the respondents), the resignation tendered by the husband of the petitioner on 12.3.1998 came to be accepted on 22.6.1998. The petitioner's husband died on 25.10.1998. If the petitioner's husband or petitioner herself had a grievance with regard to the acceptance of the (conditional) resignation, they ought to have challenged the validity thereof by recourse to an appropriate remedy available under the law. Concededly, no challenge to the acceptance of the resignation ever came to be posed by petitioner's husband during his life time and the petitioner thereafter.

7. In view, thus, of the fact that the Standing Orders governing the Rule of Business in the respondent-organisation, do not contain a provision of employment on compassionate basis in case of an employee who resigns the job and also in view of the fact that the validity of the order dated 22.6.1998 and also Annexure P/3 never came to be challenged prior to the filing of the present writ petition, we find no merit in the petition which shall stand dismissed.

(S.D. Anand)
Judge

October 31, 2006
vkd

(J.S. Khehar)
Judge